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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 YOUNG BROTHERS, LLC, A Hawaii
10 Limited Liability Company

11 Plaintiff,

12 v.

13 T/B HOKULANI, OFFICIAL NUMBER
14 575737, *IN REM*, and Hamilton Marine
Construction, LLC, An Alaska Limited
Liability Company

15 Defendants.

IN ADMIRALTY

Case No. Case No. 2:21-cv-00105

**ORDER FOR APPOINTMENT OF
SUBSTITUTE CUSTODIAN**

16 Considering the foregoing Motion for Appointment of a Substitute Custodian filed
17 herein, and upon determination that the conditions set forth in Supplemental Admiralty Rule D
18 and this Court's Local Admiralty Rules have been met,

19 **IT IS HEREBY ORDERED** that:

- 20 1. The vessel T/B HOKULANI, official number 575737 ("Vessel"), has been or will
21 be arrested by the United States Marshal;
22 2. The Vessel is currently located within the Western District of Washington;
23 3. Foss Maritime Company, LLC is hereby appointed as the substitute custodian for
24 the Vessel;

- 1 4. The substitute custodian shall keep the Vessel at the West Hylebos mooring area in
2 Tacoma, Washington or some other similarly suitable facility within the Western
3 District of Washington while in the custody of the proposed custodian;
- 4 5. The fees and expenses to be charged by the substitute custodian and for moorage
5 will be less than the cost of leaving the property in the custody of the U.S. Marshal;
- 6 6. The substitute custodian has no interest in the outcome of the action in which the
7 property is or will be under arrest;
- 8 7. The Vessel will not be moved from the Western District of Washington and no
9 person except the appointed substitute custodian will be allowed to enter on the
10 property except as necessary to transfer the property to the facilities of the substitute
11 custodian for safekeeping and except as necessary to adequately safekeep and
12 protect the property and for any permitted cargo handling, repairs, movement of the
13 vessel, or other operations, except as may be expressly ordered by the court;
- 14 8. Young Brothers, LLC has obtained the insurance coverage required by these rules;
- 15 9. Young Brothers, LLC agrees to release the United States and the United States
16 Marshal from any and all liability and responsibility arising out of the care and
17 custody of the Vessel, from the time the United States Marshal transfers possession
18 of the property to the substitute custodian until the property is released or sold,
- 19 10. Young Brothers, LLC agrees to hold harmless and indemnify the United States and
20 the United States Marshal from any and all claims whatsoever arising out of the
21 substitute custodian's possession and safekeeping of the Vessel;
- 22 11. The proposed substitute custodian, Foss Maritime Company, LLC accepts
23 appointment as substitute custodian;
- 24 12. Foss Maritime Company, LLC will maintain possession of the Vessel and will
25 safely keep the Vessel for the duration of the appointment as substitute custodian.
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1 Dated this 1st day of February, 2021

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HON. BARBARA J. ROTHSTEIN
4 UNITED STATES DISTRICT JUDGE